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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,762	07/09/2003	Terry M. Howley		9900

7590 08/27/2004

John K. McCulloch
5291 Colony Drive North
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EXAMINER

GRILES, BETHANY L

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/615,762

Applicant(s)

HOWLEY, TERRY M.

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-29, 31-33, 37 and 38 is/are rejected.
- 7) ☒ Claim(s) 30, 34-36, 39 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection, and based on the newly presented claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-^{29, 31-33 and 37} are rejected under 35 U.S.C. 102(b) as being anticipated by Suter US 5,975,479.

Regarding claims 21 and 31 and 37 (New), Suter discloses a rest for an elongate article 27 comprising a body member 11 having a base 16 flanked by a pair of substantially coplanar flanges 19 ; an extension 14 unitarily joined to and projecting beyond one of said flanges; said extension 14 being configured for removably receiving said article and disabling unintentional movement of such article in each of two opposite directions relative to said extension but permitting unrestricted movement of such article relative to said extension in a direction transversely of said path, each of said flanges 19 having at least one slot 47 therein; and clamping means 21 removably accommodated

Art Unit: 3643

in the slots of said flanges for removably clamping said rest atop a support, said extension projecting from said one of said flanges in a direction away from such support.

Regarding claim 22 (New), Suter discloses a rest according to claim 21 wherein said support 19 is arcuate and said body member 14 has a concave base for confronting and seating on said support.

Regarding claim 23 (New), Suter discloses the rest according to claim 21, and a V-shaped notch (at the bottom of element 48) therein in which said article removably may be accommodated.

Regarding claim 24 (New), Suter discloses the rest according to claim 21 wherein said clamping means comprises at least one flexible tie member 38 of such length as to encircle said support and said base.

Regarding claim 25 (New), Suter discloses the rest according to claim 21 wherein said clamping means comprises a pair of clamp members (opposite sides of C-clamp 19) coupled to said body member 14 via said slots (see figure 5) and extending therefrom in substantially parallel, spaced apart condition, the space between said clamp members being sufficient to accommodate said support between said clamp members.

Regarding claim 26 (New), Suter discloses the rest according to claim 25 including adjusting means 21 reacting between said clamp members 19 for adjusting the space therebetween.

Regarding claim 27 (New), Suter discloses the rest according to claim 26 including an arm 46, connecting means connecting said arm 46 at one end thereof to one of said clamp members, and means 48 at the opposite end of said arm for supporting one end of said elongate article 27.

Regarding claim 28 (New), Suter discloses the rest 14 according to claim 27 wherein said connecting means includes said adjusting means 49.

Regarding claim 29 (New), Suter discloses the rest according to claim 27 wherein said arm 46 is composed of multiple sections relatively extensible and retractable longitudinally of said arm 46, and latch means 38 reacting between said sections for releasably latching said sections in any selected one of a number of adjusted positions.

Regarding claims 32 and 38 (New), Suter discloses the rest according to claim 31 including a second extension 12, connecting means 22, 23 connecting said second extension to one of said clamp members, said second extension extending in a direction away from said first extension, and means 22, 23 carried by said second extension for removably accommodating another portion of said rod.

Regarding claim 33, (New) Suter discloses the rest according to claim 32 wherein said body member 14 has openings therein, said coupling means 141 comprising projections carried by said clamp members and rockably accommodated in opening in said body.

Allowable Subject Matter

Claims 30, 34-36, 39, 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

Art Unit: 3643

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Bethany L. Griles
Examiner
Art Unit 3643

blg


Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600

8/23/07